THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 22163 of 1996

Oral order:

Heard the learned counsel for the petitioner and the learned counsel for respondents-APSRTC.

It is the contention of the petitioner that he worked with the respondents continuously for more than three years as a casual L.M.V. Driver and that respondents without issuing any notice as required under Section 25-F of the Industrial Disputes Act, 1947 disengaged his services vide orders dated 21.01.2005, which is illegally and arbitrary. He thus prays that the impugned order be set aside and the respondents be directed to reinstate him into service.

Denying the contentions of the petitioner, the respondents filed counter. They contended that the petitioner never worked continuously for three years, he worked for two years and that too with intermittent breaks, and his very appointment orders, made it clear that his engagement is for a period of one year and he can be disengaged at any time without notice or assigning any reasons.

Whether the petitioner worked continuously for a period of three years or not, whether before his disengagement, he was entitled to notice as required under Section 25-F of the Industrial Disputes Act, 1947, and whether he is entitled to be reinstated and absorbed into service, are all disputed questions of fact, which cannot be gone into by this Court. The remedy of the petitioner, if any, is to approach the competent Labour Court and raise industrial dispute.

Hence, I find no merit in the writ petition, which is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 04.01.2006

KSR